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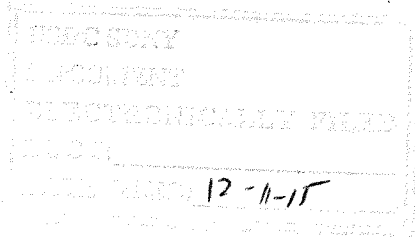
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December 11, 2015

Mark S. Gamell  
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**BY ECF AND E-MAIL**

Honorable Andrew L. Carter, Jr.  
United States District Judge  
United States District Court  
500 Pearl Street, Room 725  
New York, NY 10007  
ALCarterNYSDChambers@nysd.uscourts.gov



Re: Civil Action No.: 12-cv-08365 (ALC)  
Bankruptcy Case No. 01-42217 (REG)  
In re: Ames Department Stores, Inc., et al., Debtors  
Ames Department Stores, Inc. v.  
Lumbermens Mutual Casualty Company, in Liquidation

Dear Judge Carter:

We are counsel for the Defendant (the Director of Insurance of the State of Illinois, as statutory and court affirmed Liquidator of Lumbermens Mutual Insurance Company, in Liquidation) ("Lumbermens").

This letter is an application for an extension of time for the filing of objections with respect to the Report And Recommendations issued by Bankruptcy Judge Robert E. Gerber on December 7, 2015, which was docketed in this matter on December 10 (ECF # 15). Defendant seeks a time extension for the filing of such objections from December 28, 2015 (the current due date) to January 22, 2016.

Plaintiff Ames Department Stores Inc. refused to consent to any extension of time when this same request was made to their counsel in writing yesterday, December 10th.

Judge Gerber's report and recommendation contains 46 pages of proposed factual and legal findings. The record of the cross-motions which are the subject of Judge Gerber's report and recommendation extends to three years of briefing, including briefs and exhibits initially filed in October, 2012; opposition and cross-motion filed in December 2012; reply filed in January, 2013; further reply filed in February, 2013; supplemental memoranda filed in October, 2014; further supplemental points and replies filed in November, 2014; sur-reply

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letters filed in December 2014; the transcripts of hearings held by Judge Gerber on October 1, 2012, and July 24, 2014; and the 160 page transcript of the three hour oral argument held on July 30, 2015. The record is estimated at 1,000 pages. It is simply not reasonable, with the holiday season upon us, for objections to Judge Gerber's 46 page report and recommendation to be prepared and filed by December 28, 2015, considering that our papers must be approved by the office of the Director of Insurance of the State of Illinois and the Christmas holiday intervenes.

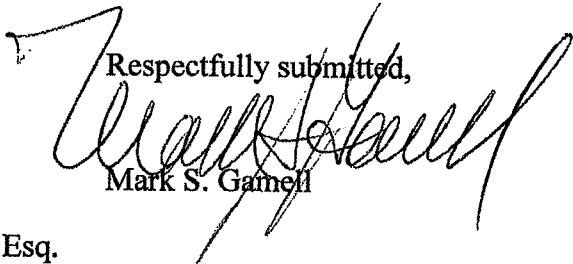
Furthermore, on a personal note, the undersigned attorney who is in charge of this case for the Defendant, will be out of the office following December 22, not returning until January 4. Among the matters involved in my absence from the office are the unveiling of my mother's cemetery marker on December 23, the Christmas Holiday (during which our office is closed) and my departure on December 27 for my first vacation of the year, which is pre-paid and involves my wife, children and grandchildren. These motions having taken more than three years to reach the issuance of Judge Gerber's Report And Recommendation, an additional three weeks is not unreasonable as an extension of time under the circumstances.

No prejudice to Plaintiff from such a brief extension in these circumstances can be shown. The Ames bankruptcy has had its plan of Chapter 11 liquidation confirmed, and the brief extension requested will not in any way prejudice the estate.

In the alternative, Defendant suggests that the time for the filing of objections be stayed by your Honor pending a conference to be held with your Honor in early January at which a mutually acceptable briefing schedule may be arranged.

There has been no prior request for the relief requested in this letter. If there is any further information that we can provide to your Honor in connection with this matter please do not hesitate to contact us.

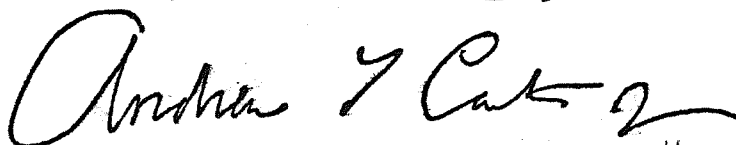
Respectfully submitted,

  
Mark S. Gamell

cc (via ECF and Email): Bijan Amini, Esq.  
Avery Samet, Esq.

Application GRANTED. Deadline to file objections stayed  
until January 22, 2016. SO ORDERED

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